



Federal Communications Commission

Public Safety and Homeland Security Bureau



FCC Update – 911 Fee Diversion

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2020 Legislation on 911 Fee Diversion

- Legislation: Don't Break Up the T-Band Act of 2020, Section 902 of the Consolidated Appropriations Act of 2021 (Pub. L. No. 116-260), enacted December 2020.
- Section 902 includes new Congressional mandates related to preventing 911 fee diversion.
- New FCC Regulations: Section 902(c) required the FCC, within 180 days of enactment of the Act (i.e., by June 25, 2021), to issue final rules defining “acceptable” expenditures of 911 fees by State and taxing jurisdictions.

FCC Order on 911 Fee Diversion

- June 2021: Report and Order defines “acceptable” 911 fee expenditures as well as expenditures that constitute 911 fee diversion (R&O is available at <https://www.fcc.gov/document/fcc-adopts-order-address-911-fee-diversion>).
- Acceptable expenditures include PSAP operating, personnel, and administrative costs, pre-arrival instructions, emergency notification systems, Next Generation 911, and cybersecurity.
- Unacceptable expenditures include
 - Transfer of 911 fees to a general fund or other fund for non-911 purposes.
 - Using 911 fees to construct non-public safety communications networks (e.g., commercial cellular networks).
 - Using 911 fees to pay for public safety equipment or infrastructure that does not “directly support providing 911 services.”
- Order seeks recommendation from the 911 Strike Force on whether expenditure of 911 fees on public safety radio systems is acceptable.

“Strike Force” on 911 Fee Diversion

- Pursuant to Section 902(d), the FCC established an advisory committee called the “Ending 9-1-1 Fee Diversion Now Strike Force”
- The statute directed the Strike Force to study and report to Congress by September 23, 2021, on “how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9-1-1 fees or charges.”
- The Strike Force was comprised of state and Federal officials, 911 administrators, public safety organizations, groups representing the public and consumers, and groups representing 911 professionals.
- The Strike Force held its first meeting on June 3, 2021, and its final meeting on September 17, 2021.
- The Strike Force submitted its report to Congress on September 23, 2021. The report can be accessed at <https://www.fcc.gov/911strikeforce>.

Strike Force Report – Key Findings and Recommendations

- 911 fee diversion negatively impacts public safety, 911 operations, first responders, and the fiscal sustainability of 911 service in the U.S.
- 911 fee receipts and expenditures should be auditable to ensure that they are used for 911-related purposes.
- Greater access to funding with prohibitions against 911 fee diversion is necessary to financially disincentivize diverters.
- The FCC should use its enforcement authority to combat 911 fee diversion, but further study is recommended on enforcement mechanisms.
- State and local 911 authorities should be held accountable for their own use of 911 fees but should not be penalized for fee diversion by other agencies or levels of government.
- In its annual data collection, the FCC should ensure that local authorities provide full information on their 911 fee collections and expenditures.

Strike Force Report – Key Findings and Recommendations

- As directed by the 911 Fee Diversion Report and Order, the Strike Force considered whether expenditure of 911 fees on public safety radio systems should be deemed acceptable.
- Strike Force Recommendation: “The allowable use of 911 fees should include the ability for local agencies and states to fund any communication system, technology or support activity that directly provides the ability to deliver 911 voice and data information between the “entry point” to the 911 system and the first responder.”
- Examples of acceptable expenditures under this formulation:
 - Land mobile radio systems that directly support the exchange of information between the PSAP/ECC and the first responder.
 - LTE/Wi-Fi technology used in the call path between the 911 entry point and the first responder.
- Examples of unacceptable expenditures under this formulation:
 - Land mobile radio assets that support jail and prison operations, because these systems do not deliver information between 911 and the first responder.
 - Commercial services or infrastructure used to deliver 911 calls to the entry point.



Thank you!
Questions?